

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TIMOTHY BUFORD,

Plaintiff,

v.

M.T.A. HAGGIE, et al.,

Defendants.

CV F- 02-5313 OWW DLB P

ORDER DIRECTING PLAINTIFF TO
SUBMIT USM 285 FORMS

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. section 1983. On January 9, 2006, the Court ordered plaintiff to advise whether he wished to proceed with the claims in the second amended complaint found to be cognizable. On January 25, 2006, plaintiff informed the court that he wanted to proceed with the cognizable claims as long as the dismissal of defendant J.G. Bozwell was without prejudice. Concurrently with this order, the Court issues a recommendation dismissing defendant J.G. Bozwell without prejudice.

Consistent with its January 9, 2006 Order, the Court finds that plaintiff states a cognizable claim for deliberate indifference to his serious medical needs against defendants Haggie, Schumacher and Chief Medical Officer Posner. The Court also finds that plaintiff states a cognizable claim for deliberate indifference to his safety against defendants Hill and Carline.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Service is appropriate for the following defendants:

3 HAGGIE

4 SCHUMACHER

5 POSNER

6 HILL

7 CARLINE

8 2. The Clerk of the Court shall send plaintiff FIVE (5) USM-285 forms, FIVE (5) summons,
9 an instruction sheet and a copy of the second amended complaint filed January 9, 2006.

10 3. Within thirty days from the date of this order, plaintiff shall complete the attached Notice
11 of Submission of Documents and submit the completed Notice to the court with the following
12 documents:

13 a. Completed summons;

14 b. One completed USM-285 form for each defendant listed above; and

15 c. SIX (6) copies of the endorsed second amended complaint filed January 9,
16 2006.

17 4. Plaintiff need not attempt service on defendants and need not request waiver of service.
18 Upon receipt of the above-described documents, the court will direct the United States Marshal to
19 serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of
20 costs.

21 5. Plaintiff's failure to comply with this order may result in sanctions, including dismissal of
22 this action. Local Rule 11-110.

23
24 IT IS SO ORDERED.

25 Dated: March 8, 2006
26 3c0hj8

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE